

# SENATE BILL 14

E4

11r1002

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By: **Senator Gladden**

Introduced and read first time: January 14, 2011

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Race–Based Traffic Stops – Reporting Requirements**

3 FOR the purpose of requiring certain law enforcement officers to record certain  
4 information pertaining to traffic stops; requiring certain law enforcement  
5 agencies to report certain information to the Maryland Justice Analysis Center  
6 (MJAC); requiring the Police Training Commission to develop a certain format  
7 and guidelines and a standardized format for the reporting of certain data;  
8 requiring the Police Training Commission to develop a certain model policy;  
9 requiring the MJAC to analyze certain data based on a methodology developed  
10 in conjunction with the Police Training Commission; requiring the MJAC to  
11 make certain reports to the General Assembly, the Governor, and law  
12 enforcement agencies; requiring law enforcement agencies to adopt certain  
13 policies regarding race–based traffic stops for certain purposes; requiring the  
14 MJAC to report to the Police Training Commission law enforcement agencies  
15 that fail to comply with certain reporting requirements; requiring certain  
16 actions following a report on the failure of a law enforcement agency to comply;  
17 providing for the application of this Act; defining certain terms; and generally  
18 relating to law enforcement procedures and traffic stops.

19 BY adding to

20 Article – Transportation

21 Section 25–113

22 Annotated Code of Maryland

23 (2009 Replacement Volume and 2010 Supplement)

24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
25 MARYLAND, That the Laws of Maryland read as follows:

26 **Article – Transportation**

27 **25–113.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**  
2 **MEANINGS INDICATED.**

3           **(2) “LAW ENFORCEMENT AGENCY” MEANS AN AGENCY THAT IS**  
4 **LISTED IN § 3–101(E) OF THE PUBLIC SAFETY ARTICLE.**

5           **(3) “LAW ENFORCEMENT OFFICER” MEANS ANY PERSON WHO, IN**  
6 **AN OFFICIAL CAPACITY, IS AUTHORIZED BY LAW TO MAKE ARRESTS AND WHO IS**  
7 **AN EMPLOYEE OF A LAW ENFORCEMENT AGENCY.**

8           **(4) “MARYLAND JUSTICE ANALYSIS CENTER” MEANS THE**  
9 **CENTER OPERATED BY THE DEPARTMENT OF CRIMINOLOGY AND CRIMINAL**  
10 **JUSTICE AT THE UNIVERSITY OF MARYLAND, COLLEGE PARK.**

11           **(5) “POLICE TRAINING COMMISSION” MEANS THE UNIT WITHIN**  
12 **THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES**  
13 **ESTABLISHED UNDER § 3–202 OF THE PUBLIC SAFETY ARTICLE.**

14           **(6) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH,**  
15 **“TRAFFIC STOP” MEANS ANY INSTANCE WHEN A LAW ENFORCEMENT OFFICER**  
16 **STOPS THE DRIVER OF A MOTOR VEHICLE AND DETAINS THE DRIVER FOR ANY**  
17 **PERIOD OF TIME FOR A VIOLATION OF THE MARYLAND VEHICLE LAW.**

18                   **(II) “TRAFFIC STOP” DOES NOT INCLUDE:**

19                           **1. A CHECKPOINT OR ROADBLOCK STOP;**

20                           **2. A STOP OF MULTIPLE VEHICLES DUE TO A**  
21 **TRAFFIC ACCIDENT OR EMERGENCY SITUATION REQUIRING THE STOPPING OF**  
22 **VEHICLES FOR PUBLIC SAFETY PURPOSES; OR**

23                           **3. A STOP BASED ON THE USE OF RADAR, LASER, OR**  
24 **VASCAR TECHNOLOGY.**

25           **(B) EXCEPT AS PROVIDED IN SUBSECTION (E)(2) OF THIS SECTION, THIS**  
26 **SECTION DOES NOT APPLY TO A LAW ENFORCEMENT AGENCY THAT, ON OR**  
27 **BEFORE JULY 1, 2001, ENTERED INTO AN AGREEMENT WITH THE UNITED**  
28 **STATES DEPARTMENT OF JUSTICE THAT REQUIRES IT TO COLLECT DATA ON**  
29 **THE RACE OR ETHNICITY OF THE DRIVERS OF MOTOR VEHICLES STOPPED.**

30           **(C) THE POLICE TRAINING COMMISSION, IN CONSULTATION WITH THE**  
31 **MARYLAND JUSTICE ANALYSIS CENTER, SHALL DEVELOP:**

1           **(1) A MODEL FORMAT FOR THE EFFICIENT RECORDING OF DATA**  
2 **REQUIRED UNDER SUBSECTION (D) OF THIS SECTION ON AN ELECTRONIC**  
3 **DEVICE, OR BY ANY OTHER MEANS, FOR USE BY A LAW ENFORCEMENT AGENCY;**

4           **(2) GUIDELINES THAT EACH LAW ENFORCEMENT AGENCY MAY**  
5 **USE AS A MANAGEMENT TOOL TO EVALUATE DATA COLLECTED BY ITS LAW**  
6 **ENFORCEMENT OFFICERS FOR USE IN COUNSELING AND IMPROVED TRAINING;**

7           **(3) A STANDARDIZED FORMAT THAT EACH LAW ENFORCEMENT**  
8 **AGENCY SHALL USE IN REPORTING DATA TO THE MARYLAND JUSTICE**  
9 **ANALYSIS CENTER UNDER SUBSECTION (E) OF THIS SECTION; AND**

10           **(4) A MODEL POLICY AGAINST RACE-BASED TRAFFIC STOPS THAT**  
11 **A LAW ENFORCEMENT AGENCY CAN USE IN DEVELOPING ITS POLICY IN**  
12 **ACCORDANCE WITH SUBSECTION (G) OF THIS SECTION.**

13           **(D) EACH TIME A LAW ENFORCEMENT OFFICER MAKES A TRAFFIC STOP,**  
14 **THAT OFFICER SHALL REPORT THE FOLLOWING INFORMATION TO THE LAW**  
15 **ENFORCEMENT AGENCY THAT EMPLOYS THE OFFICER USING THE FORMAT**  
16 **DEVELOPED BY THE LAW ENFORCEMENT AGENCY UNDER SUBSECTION (C)(1) OF**  
17 **THIS SECTION:**

18           **(1) THE DATE, LOCATION, AND TIME OF THE STOP;**

19           **(2) THE APPROXIMATE DURATION OF THE STOP;**

20           **(3) THE TRAFFIC VIOLATION OR VIOLATIONS ALLEGED TO HAVE**  
21 **BEEN COMMITTED THAT LED TO THE STOP;**

22           **(4) WHETHER A SEARCH WAS CONDUCTED AS A RESULT OF THE**  
23 **STOP;**

24           **(5) IF A SEARCH WAS CONDUCTED, THE REASON FOR THE**  
25 **SEARCH, WHETHER THE SEARCH WAS CONSENSUAL OR NONCONSENSUAL,**  
26 **WHETHER THE PERSON WAS SEARCHED, AND WHETHER THE PERSON'S**  
27 **PROPERTY WAS SEARCHED;**

28           **(6) WHETHER ANY CONTRABAND OR OTHER PROPERTY WAS**  
29 **SEIZED IN THE COURSE OF THE SEARCH;**

30           **(7) WHETHER A WARNING, SAFETY EQUIPMENT REPAIR ORDER,**  
31 **OR CITATION WAS ISSUED AS A RESULT OF THE STOP;**

1           **(8) IF A WARNING, SAFETY EQUIPMENT REPAIR ORDER, OR**  
2 **CITATION WAS ISSUED, THE BASIS FOR ISSUING THE WARNING, SAFETY**  
3 **EQUIPMENT REPAIR ORDER, OR CITATION;**

4           **(9) WHETHER AN ARREST WAS MADE AS A RESULT OF EITHER**  
5 **THE STOP OR THE SEARCH;**

6           **(10) IF AN ARREST WAS MADE, THE CRIME CHARGED;**

7           **(11) THE STATE IN WHICH THE STOPPED VEHICLE IS REGISTERED;**

8           **(12) THE GENDER OF THE DRIVER;**

9           **(13) THE DATE OF BIRTH OF THE DRIVER;**

10           **(14) THE STATE AND, IF AVAILABLE ON THE DRIVER'S LICENSE,**  
11 **THE COUNTY OF RESIDENCE OF THE DRIVER; AND**

12           **(15) THE RACE OR ETHNICITY OF THE DRIVER AS:**

13                   **(I) ASIAN;**

14                   **(II) BLACK;**

15                   **(III) HISPANIC;**

16                   **(IV) WHITE; OR**

17                   **(V) OTHER.**

18           **(E) (1) A LAW ENFORCEMENT AGENCY SHALL:**

19                   **(I) COMPILE THE DATA DESCRIBED IN SUBSECTION (D) OF**  
20 **THIS SECTION FOR THE CALENDAR YEAR AS A REPORT IN THE FORMAT**  
21 **REQUIRED UNDER SUBSECTION (C)(3) OF THIS SECTION; AND**

22                   **(II) SUBMIT THE REPORT TO THE MARYLAND JUSTICE**  
23 **ANALYSIS CENTER NO LATER THAN MARCH 1 OF THE FOLLOWING CALENDAR**  
24 **YEAR.**

25           **(2) A LAW ENFORCEMENT AGENCY DESCRIBED IN SUBSECTION**  
26 **(B) OF THIS SECTION SHALL SUBMIT TO THE MARYLAND JUSTICE ANALYSIS**  
27 **CENTER COPIES OF REPORTS IT SUBMITS TO THE UNITED STATES**

1 DEPARTMENT OF JUSTICE IN LIEU OF THE REPORT OTHERWISE REQUIRED  
2 UNDER PARAGRAPH (1) OF THIS SUBSECTION.

3 (F) (1) THE MARYLAND JUSTICE ANALYSIS CENTER SHALL ANALYZE  
4 THE ANNUAL REPORTS OF LAW ENFORCEMENT AGENCIES SUBMITTED UNDER  
5 SUBSECTION (E) OF THIS SECTION BASED ON A METHODOLOGY DEVELOPED IN  
6 CONSULTATION WITH THE POLICE TRAINING COMMISSION.

7 (2) THE MARYLAND JUSTICE ANALYSIS CENTER SHALL SUBMIT  
8 A REPORT OF THE FINDINGS TO THE GOVERNOR, THE GENERAL ASSEMBLY AS  
9 PROVIDED IN § 2-1246 OF THE STATE GOVERNMENT ARTICLE, AND EACH LAW  
10 ENFORCEMENT AGENCY BEFORE SEPTEMBER 1 OF EACH YEAR.

11 (G) (1) EACH LAW ENFORCEMENT AGENCY SHALL ADOPT A POLICY  
12 AGAINST RACE-BASED TRAFFIC STOPS THAT IS TO BE USED AS A MANAGEMENT  
13 TOOL TO PROMOTE NONDISCRIMINATORY LAW ENFORCEMENT AND IN THE  
14 TRAINING AND COUNSELING OF ITS LAW ENFORCEMENT OFFICERS.

15 (2) THE POLICY SHALL:

16 (I) PROHIBIT THE PRACTICE OF USING AN INDIVIDUAL'S  
17 RACE OR ETHNICITY AS THE SOLE JUSTIFICATION TO INITIATE A TRAFFIC STOP;  
18 BUT

19 (II) MAKE CLEAR THAT THE POLICY MAY NOT BE  
20 CONSTRUED TO ALTER THE AUTHORITY OF A LAW ENFORCEMENT OFFICER TO  
21 MAKE AN ARREST, CONDUCT A SEARCH OR SEIZURE, OR OTHERWISE FULFILL  
22 THE OFFICER'S LAW ENFORCEMENT OBLIGATIONS.

23 (3) THE POLICY SHALL REQUIRE THE LAW ENFORCEMENT  
24 AGENCY TO PERIODICALLY REVIEW DATA COLLECTED BY ITS LAW  
25 ENFORCEMENT OFFICERS UNDER SUBSECTION (D) OF THIS SECTION AND TO  
26 REVIEW THE ANNUAL REPORT OF THE MARYLAND JUSTICE ANALYSIS CENTER  
27 FOR PURPOSES OF PARAGRAPH (1) OF THIS SUBSECTION.

28 (H) (1) IF A LAW ENFORCEMENT AGENCY FAILS TO COMPLY WITH THE  
29 REPORTING PROVISIONS OF THIS SECTION, THE MARYLAND JUSTICE ANALYSIS  
30 CENTER SHALL REPORT THE NONCOMPLIANCE TO THE POLICE TRAINING  
31 COMMISSION.

32 (2) THE POLICE TRAINING COMMISSION SHALL CONTACT THE  
33 LAW ENFORCEMENT AGENCY AND REQUEST THAT THE AGENCY COMPLY WITH  
34 THE REQUIRED REPORTING PROVISIONS.

1                   **(3) IF THE LAW ENFORCEMENT AGENCY FAILS TO COMPLY WITH**  
2 **THE REQUIRED REPORTING PROVISIONS WITHIN 30 DAYS AFTER BEING**  
3 **CONTACTED BY THE POLICE TRAINING COMMISSION, THE MARYLAND JUSTICE**  
4 **ANALYSIS CENTER AND THE POLICE TRAINING COMMISSION JOINTLY SHALL**  
5 **REPORT THE NONCOMPLIANCE TO THE GOVERNOR AND THE LEGISLATIVE**  
6 **POLICY COMMITTEE OF THE GENERAL ASSEMBLY.**

7                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
8 June 1, 2011.